

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION

EZRA SMITH,

Plaintiff,

v.

DEPUTY MONIQUE TRACEY, *et al.*,

Defendants.

Civil Action No.: 1:24-cv-05158-TWT

NOTICE OF ISSUANCE OF SUBPOENAS

Notice is hereby given to the parties of the intent to issue the following
Subpoenas, copies of which are attached, by Plaintiff on April 15, 2025:

1. Subpoena directed to Rockdale County Sheriff Eric J. Levett.
2. Subpoena directed to NaphCare, Inc.

Submitted on April 15, 2025.

Jeff Filipovits

Georgia Bar No. 825553

jeff@civil-rights.law

Wingo F. Smith

Georgia Bar No. 147896

wingo@civil-rights.law

SPEARS & FILIPOVITS, LLC
315 W. Ponce de Leon Ave., Ste. 865
Decatur, Georgia 30030
404-905-2225

CERTIFICATE OF SERVICE

I certify that I have served the foregoing document by filing the same via CM/ECF which will electronically generate notice and service to all counsel of record.

Submitted on April 15, 2025.

SPEARS & FILIPOVITS, LLC
315 W. Ponce de Leon Ave.
Suite 865
Decatur, GA 30030
404-905-2225

Wingo F. Smith
Georgia Bar No. 147896
wingo@civil-rights.law

UNITED STATES DISTRICT COURT

for the
Northern District of Georgia

EZRA SMITH

Plaintiff

v.

DEPUTY MONIQUE TRACEY, et al.

Defendant

Civil Action No. 1:24-cv-05158-TWT

SUBPOENA TO PRODUCE DOCUMENTS, INFORMATION, OR OBJECTS
OR TO PERMIT INSPECTION OF PREMISES IN A CIVIL ACTION

To: Rockdale County Sheriff Eric J. Levett

(Name of person to whom this subpoena is directed)

☒ **Production:** **YOU ARE COMMANDED** to produce at the time, date, and place set forth below the following documents, electronically stored information, or objects, and to permit inspection, copying, testing, or sampling of the material: See attachment Exhibit A.

Place: Spears & Filipovits, LLC
315 W. Ponce de Leon Ave., Suite 865
Decatur, GA 30030

Date and Time:

May 6, 2:00 p.m.

☐ **Inspection of Premises:** **YOU ARE COMMANDED** to permit entry onto the designated premises, land, or other property possessed or controlled by you at the time, date, and location set forth below, so that the requesting party may inspect, measure, survey, photograph, test, or sample the property or any designated object or operation on it.

Place:

Date and Time:

The following provisions of Fed. R. Civ. P. 45 are attached – Rule 45(c), relating to the place of compliance; Rule 45(d), relating to your protection as a person subject to a subpoena; and Rule 45(e) and (g), relating to your duty to respond to this subpoena and the potential consequences of not doing so.

Date: 04/15/2025

CLERK OF COURT

OR

Signature of Clerk or Deputy Clerk

/s/ Wingo F. Smith

Attorney's signature

The name, address, e-mail address, and telephone number of the attorney representing (name of party) EZRA SMITH, who issues or requests this subpoena, are:

Wingo F. Smith, 315 W. Ponce de Leon Ave., Suite 865, Decatur GA 30030, wingo@civil-rights.law, 404-905-2225

Notice to the person who issues or requests this subpoena

If this subpoena commands the production of documents, electronically stored information, or tangible things or the inspection of premises before trial, a notice and a copy of the subpoena must be served on each party in this case before it is served on the person to whom it is directed. Fed. R. Civ. P. 45(a)(4).

Civil Action No. 1:24-cv-05158-TWT

PROOF OF SERVICE*(This section should not be filed with the court unless required by Fed. R. Civ. P. 45.)*

I received this subpoena for *(name of individual and title, if any)* _____
 on *(date)* _____.

☐ I served the subpoena by delivering a copy to the named person as follows: _____

_____ on *(date)* _____; or

☐ I returned the subpoena unexecuted because: _____

Unless the subpoena was issued on behalf of the United States, or one of its officers or agents, I have also
 tendered to the witness the fees for one day's attendance, and the mileage allowed by law, in the amount of
 \$ _____.

My fees are \$ _____ for travel and \$ _____ for services, for a total of \$ _____ 0.00.

I declare under penalty of perjury that this information is true.

Date: _____

Server's signature

Printed name and title

Server's address

Additional information regarding attempted service, etc.:

Federal Rule of Civil Procedure 45 (c), (d), (e), and (g) (Effective 12/1/13)**(c) Place of Compliance.**

(1) For a Trial, Hearing, or Deposition. A subpoena may command a person to attend a trial, hearing, or deposition only as follows:

- (A) within 100 miles of where the person resides, is employed, or regularly transacts business in person; or
- (B) within the state where the person resides, is employed, or regularly transacts business in person, if the person
 - (i) is a party or a party's officer; or
 - (ii) is commanded to attend a trial and would not incur substantial expense.

(2) For Other Discovery. A subpoena may command:

- (A) production of documents, electronically stored information, or tangible things at a place within 100 miles of where the person resides, is employed, or regularly transacts business in person; and
- (B) inspection of premises at the premises to be inspected.

(d) Protecting a Person Subject to a Subpoena; Enforcement.

(1) Avoiding Undue Burden or Expense; Sanctions. A party or attorney responsible for issuing and serving a subpoena must take reasonable steps to avoid imposing undue burden or expense on a person subject to the subpoena. The court for the district where compliance is required must enforce this duty and impose an appropriate sanction—which may include lost earnings and reasonable attorney's fees—on a party or attorney who fails to comply.

(2) Command to Produce Materials or Permit Inspection.

(A) *Appearance Not Required.* A person commanded to produce documents, electronically stored information, or tangible things, or to permit the inspection of premises, need not appear in person at the place of production or inspection unless also commanded to appear for a deposition, hearing, or trial.

(B) *Objections.* A person commanded to produce documents or tangible things or to permit inspection may serve on the party or attorney designated in the subpoena a written objection to inspecting, copying, testing, or sampling any or all of the materials or to inspecting the premises—or to producing electronically stored information in the form or forms requested. The objection must be served before the earlier of the time specified for compliance or 14 days after the subpoena is served. If an objection is made, the following rules apply:

- (i) At any time, on notice to the commanded person, the serving party may move the court for the district where compliance is required for an order compelling production or inspection.
- (ii) These acts may be required only as directed in the order, and the order must protect a person who is neither a party nor a party's officer from significant expense resulting from compliance.

(3) Quashing or Modifying a Subpoena.

(A) *When Required.* On timely motion, the court for the district where compliance is required must quash or modify a subpoena that:

- (i) fails to allow a reasonable time to comply;
- (ii) requires a person to comply beyond the geographical limits specified in Rule 45(c);
- (iii) requires disclosure of privileged or other protected matter, if no exception or waiver applies; or
- (iv) subjects a person to undue burden.

(B) *When Permitted.* To protect a person subject to or affected by a subpoena, the court for the district where compliance is required may, on motion, quash or modify the subpoena if it requires:

- (i) disclosing a trade secret or other confidential research, development, or commercial information; or

(ii) disclosing an unretained expert's opinion or information that does not describe specific occurrences in dispute and results from the expert's study that was not requested by a party.

(C) *Specifying Conditions as an Alternative.* In the circumstances described in Rule 45(d)(3)(B), the court may, instead of quashing or modifying a subpoena, order appearance or production under specified conditions if the serving party:

- (i) shows a substantial need for the testimony or material that cannot be otherwise met without undue hardship; and
- (ii) ensures that the subpoenaed person will be reasonably compensated.

(e) Duties in Responding to a Subpoena.

(1) Producing Documents or Electronically Stored Information. These procedures apply to producing documents or electronically stored information:

(A) *Documents.* A person responding to a subpoena to produce documents must produce them as they are kept in the ordinary course of business or must organize and label them to correspond to the categories in the demand.

(B) *Form for Producing Electronically Stored Information Not Specified.* If a subpoena does not specify a form for producing electronically stored information, the person responding must produce it in a form or forms in which it is ordinarily maintained or in a reasonably usable form or forms.

(C) *Electronically Stored Information Produced in Only One Form.* The person responding need not produce the same electronically stored information in more than one form.

(D) *Inaccessible Electronically Stored Information.* The person responding need not provide discovery of electronically stored information from sources that the person identifies as not reasonably accessible because of undue burden or cost. On motion to compel discovery or for a protective order, the person responding must show that the information is not reasonably accessible because of undue burden or cost. If that showing is made, the court may nonetheless order discovery from such sources if the requesting party shows good cause, considering the limitations of Rule 26(b)(2)(C). The court may specify conditions for the discovery.

(2) Claiming Privilege or Protection.

(A) *Information Withheld.* A person withholding subpoenaed information under a claim that it is privileged or subject to protection as trial-preparation material must:

- (i) expressly make the claim; and
- (ii) describe the nature of the withheld documents, communications, or tangible things in a manner that, without revealing information itself privileged or protected, will enable the parties to assess the claim.

(B) *Information Produced.* If information produced in response to a subpoena is subject to a claim of privilege or of protection as trial-preparation material, the person making the claim may notify any party that received the information of the claim and the basis for it. After being notified, a party must promptly return, sequester, or destroy the specified information and any copies it has; must not use or disclose the information until the claim is resolved; must take reasonable steps to retrieve the information if the party disclosed it before being notified; and may promptly present the information under seal to the court for the district where compliance is required for a determination of the claim. The person who produced the information must preserve the information until the claim is resolved.

(g) Contempt.

The court for the district where compliance is required—and also, after a motion is transferred, the issuing court—may hold in contempt a person who, having been served, fails without adequate excuse to obey the subpoena or an order related to it.

Exhibit A

1. Please produce a complete roster of all employees of the Rockdale County Sheriff's Office who were assigned to the county jail in July 2024.
2. To the extent that it does not appear in the roster provided in response to Number 1, please produce a complete list of each employee's alphanumeric identification number.
3. Please provide the complete personnel files for the following officers working for Rockdale County Sheriff's Office:
 - a. Monique Tracey
 - b. Shenequa Jackson
 - c. Raul Gomez
 - d. Lt. J. Daniel
 - e. FNU Little
 - f. Adrian Hall
 - g. FNU Dieudonne
4. Please provide a complete copy of the jail's post orders.
5. To the extent not included in their personnel files, please provide a copy of all accommodations, grievances, complaints, performance reviews, and disciplinary records for the officers listed above in request Number 3.
6. Provide a complete list of persons incarcerated and housed in the holding cell with Ezra Smith between 18:00 on July 8, 2024, and 2:00 on July 9, 2024.

7. Provide the full post roster for the jail on July 8 through July 9, 2024.
8. Provide any recording of calls made from or received in the holding cell in which Ezra Smith was housed from 18:00 on July 8, 2024, through 2:00 on July 9, 2024.
9. Provide a copy of any recording of Plaintiff's mother, Carmen Pittman, from July 8, 2024, through July 9, 2024.
10. Provide a full copy of the investigation into Ezra Smith's attempted suicide on July 9, 2024.
11. To the extent not provided in the investigation provided in response to request Number 10, please provide any recordings, statements, or other records reviewed by the officer investigating the incident during the course of his investigation.
12. Provide copies of all training materials in effect in July 2024 for trainings conducted for the Rockdale County Sheriff's Office or its jail staff about inmates with mental health needs.
13. Provide copies of all training materials in effect in July 2024 for trainings conducted for the Rockdale County Sheriff's Office or its jail staff about suicide prevention.

Submitted on April 15, 2025.

Jeff Filipovits
Georgia Bar No. 825553
jeff@civil-rights.law

SPEARS & FILIPOVITS, LLC
315 W. Ponce de Leon Ave., Ste. 865
Decatur, Georgia 30030
404-905-2225

Wingo F. Smith
Georgia Bar No. 147896
wingo@civil-rights.law

UNITED STATES DISTRICT COURT

for the
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EZRA SMITH

Plaintiff

v.

DEPUTY MONIQUE TRACEY, et al.

Defendant

Civil Action No. 1:24-cv-05158-TWT

SUBPOENA TO PRODUCE DOCUMENTS, INFORMATION, OR OBJECTS
OR TO PERMIT INSPECTION OF PREMISES IN A CIVIL ACTION

To: NaphCare, Inc., c/o Registered Agent Corporation Service Company

(Name of person to whom this subpoena is directed)

☒ **Production:** **YOU ARE COMMANDED** to produce at the time, date, and place set forth below the following documents, electronically stored information, or objects, and to permit inspection, copying, testing, or sampling of the material: See attachment Exhibit A.

Place: Spears & Filipovits, LLC
315 W. Ponce de Leon Ave., Suite 865
Decatur, GA 30030

Date and Time:

May 6, 2:00 p.m.

☐ **Inspection of Premises:** **YOU ARE COMMANDED** to permit entry onto the designated premises, land, or other property possessed or controlled by you at the time, date, and location set forth below, so that the requesting party may inspect, measure, survey, photograph, test, or sample the property or any designated object or operation on it.

Place:

Date and Time:

The following provisions of Fed. R. Civ. P. 45 are attached – Rule 45(c), relating to the place of compliance; Rule 45(d), relating to your protection as a person subject to a subpoena; and Rule 45(e) and (g), relating to your duty to respond to this subpoena and the potential consequences of not doing so.

Date: 04/15/2025

CLERK OF COURT

OR

Signature of Clerk or Deputy Clerk

/s/ Wingo F. Smith

Attorney's signature

The name, address, e-mail address, and telephone number of the attorney representing *(name of party)* EZRA SMITH, who issues or requests this subpoena, are:

Wingo F. Smith, 315 W. Ponce de Leon Ave., Suite 865, Decatur GA 30030, wingo@civil-rights.law, 404-905-2225

Notice to the person who issues or requests this subpoena

If this subpoena commands the production of documents, electronically stored information, or tangible things or the inspection of premises before trial, a notice and a copy of the subpoena must be served on each party in this case before it is served on the person to whom it is directed. Fed. R. Civ. P. 45(a)(4).

Civil Action No. 1:24-cv-05158-TWT

PROOF OF SERVICE*(This section should not be filed with the court unless required by Fed. R. Civ. P. 45.)*

I received this subpoena for *(name of individual and title, if any)* _____
 on *(date)* _____.

☐ I served the subpoena by delivering a copy to the named person as follows: _____

_____ on *(date)* _____; or

☐ I returned the subpoena unexecuted because: _____

Unless the subpoena was issued on behalf of the United States, or one of its officers or agents, I have also
 tendered to the witness the fees for one day's attendance, and the mileage allowed by law, in the amount of
 \$ _____.

My fees are \$ _____ for travel and \$ _____ for services, for a total of \$ 0.00 .

I declare under penalty of perjury that this information is true.

Date: _____

Server's signature

Printed name and title

Server's address

Additional information regarding attempted service, etc.:

Federal Rule of Civil Procedure 45 (c), (d), (e), and (g) (Effective 12/1/13)**(c) Place of Compliance.**

(1) For a Trial, Hearing, or Deposition. A subpoena may command a person to attend a trial, hearing, or deposition only as follows:

- (A) within 100 miles of where the person resides, is employed, or regularly transacts business in person; or
- (B) within the state where the person resides, is employed, or regularly transacts business in person, if the person
 - (i) is a party or a party's officer; or
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- (iii) requires disclosure of privileged or other protected matter, if no exception or waiver applies; or
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(B) *When Permitted.* To protect a person subject to or affected by a subpoena, the court for the district where compliance is required may, on motion, quash or modify the subpoena if it requires:

- (i) disclosing a trade secret or other confidential research, development, or commercial information; or

(ii) disclosing an unretained expert's opinion or information that does not describe specific occurrences in dispute and results from the expert's study that was not requested by a party.

(C) *Specifying Conditions as an Alternative.* In the circumstances described in Rule 45(d)(3)(B), the court may, instead of quashing or modifying a subpoena, order appearance or production under specified conditions if the serving party:

- (i) shows a substantial need for the testimony or material that cannot be otherwise met without undue hardship; and
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- (i) expressly make the claim; and
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(B) *Information Produced.* If information produced in response to a subpoena is subject to a claim of privilege or of protection as trial-preparation material, the person making the claim may notify any party that received the information of the claim and the basis for it. After being notified, a party must promptly return, sequester, or destroy the specified information and any copies it has; must not use or disclose the information until the claim is resolved; must take reasonable steps to retrieve the information if the party disclosed it before being notified; and may promptly present the information under seal to the court for the district where compliance is required for a determination of the claim. The person who produced the information must preserve the information until the claim is resolved.

(g) Contempt.

The court for the district where compliance is required—and also, after a motion is transferred, the issuing court—may hold in contempt a person who, having been served, fails without adequate excuse to obey the subpoena or an order related to it.

Exhibit A

1. Please produce a complete roster of all NaphCare employees who were assigned to work in the Rockdale County Jail in July 2024.
2. Please produce NaphCare's staffing plan as it existed in July 2024.
3. Please produce the complete personnel file for Erica Sanchez.
4. To the extent not included in her personnel file, please provide a copy of all accommodations, grievances, complaints, performance reviews, and disciplinary records for Erica Sanchez.
5. Please provide a full copy of any records discussing Ezra Smith's suicide attempts while in the Rockdale County Jail in 2024.
6. Please provide any recordings, statements, or other records in which Erica Sanchez's performance or role is discussed in relation to Ezra Smith's July 2024 suicide attempt in the Rockdale County Jail. This includes any continuous quality improvement reviews, psychological autopsies, or other post-event reviews, such as a review of near miss clinical events.
7. Copies of any policies, procedures, or protocols discussing the following topics:
 - a. inmates with mental health needs;
 - b. suicide prevention;
 - c. medical emergencies;
 - d. continuous quality improvement;

- e. near miss clinical events;
- f. continuity of care;
- g. receiving screening

8. Copies of all training materials in effect in July 2024 provided by NaphCare to its employees or security personnel at the Rockdale County Jail about the following topics:

- a. inmates with mental health needs;
- b. suicide prevention;
- c. medical emergencies;
- d. continuous quality improvement;
- e. near miss clinical events;
- f. continuity of care;
- g. receiving screening

Submitted on April 15, 2025.

Jeff Filipovits
Georgia Bar No. 825553
jeff@civil-rights.law

Wingo F. Smith
Georgia Bar No. 147896
wingo@civil-rights.law

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